

Membership Balance Plan  
Chief of Engineers Environmental Advisory Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Chief of Engineers Environmental Advisory Board (“the Board”).
2. Mission/Function: The Board shall provide, under the provisions of FACA, independent advice and recommendations to the Secretary of Defense, through the Secretary of the Army, the Assistant Secretary of the Army (Civil Works), and the Chief of Engineers (United States Army Corps of Engineers), on matters relating to environmental and water resource management issues facing the United States Army Corps of Engineers (“the Corps”).
3. Points of View: The Board shall be comprised of not more than 10 members, who are eminent authorities in the fields of natural (e.g., biology, ecology), social (e.g., anthropology, community planning), and related sciences. To the extent practical, the Board membership will include at least two members whose expertise is focused in the natural sciences, two members whose expertise is focused in the social sciences and two members whose expertise is focused in other related sciences. Individual members’ experience and qualifications may be based in academia, nongovernment organizations, Federal or local governments, or private industry.

The DoD, in selecting potential candidates for the Board, reviews the educational, experiential, and professional credentials of individuals and bases its selection on this review and the subject matters expected to be handled by the Board. The Department has found that viewing the complex environmental issues facing the Army through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Board members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, and to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed to serve as regular government employee (RGE) members, pursuant to 41 C.F.R. § 102-3.130(a). The appointments of Board members shall be renewed on an annual basis by the Secretary of Defense or the Deputy Secretary of Defense.

The Board’s membership balance is not static and the Secretary of Defense may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Board’s Sponsor. In addition, the DoD, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: A mix of experts specializing in ecosystem functions, cultural resources, social interactions, the physical environment, and the dynamic interactions of these components of the

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human environment is critical. Next, it is important to have representatives with knowledge and/or experience from most of the major ecological regions of the country.

5. Candidate Identification Process: The DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals with extensive professional experience in the points of view described above. Potential candidates may be identified by the Board's staff, current or past Board members, senior environmental scientists of the Corps and other agencies, academicians, and in some instances senior Corps officials.

Once several highly qualified potential candidates are identified, the Designated Federal Officer (DFO), in consultation with the Board's Chair and not less than three senior environmental scientists from the Corps, will review the educational and professional credentials of each individual relative to the subject matters that are likely to be considered by the Board and narrow the list of potential candidates. A Corps Ethics Counselor will conduct an initial screening of the financial disclosure reports (OGE Form 450) of the potential candidates for possible conflicts of interests. Following these reviews the DFO will forward a balanced list of potential candidates to the Secretary of the Army through the Assistant Secretary of Army for Civil Works. The Secretary of the Army will verify the balance between the educational and professional credentials of the individual candidates, and the subject matters that are likely to be considered by the Board.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the Secretary of the Army formally nominates the potential candidates to the Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD, unless otherwise directed by statute or Presidential directive.

Following the Secretary of Defense or the Deputy Secretary of Defense approval, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of Board members for a one-to-four year term of service; however, members may only serve two consecutive terms of service unless otherwise authorized by the Secretary of Defense or the Deputy Secretary of Defense.

The Board and subcommittee member vacancies will be filled in the same manner as described in the previous five paragraphs above.

6. Subcommittee Balance: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees to support the Board.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members in the same manner as Board appointments are made, and these individuals

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may come from the parent committee or new nominees, as recommended by the Board's Sponsor and based upon the matters under consideration.

The subcommittee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed to serve as RGE members, pursuant to 41 C.F.R. § 102-3.130(a). The appointments of subcommittee members shall be renewed, on an annual basis, by the Secretary of Defense or the Deputy Secretary of Defense.

Following the Secretary of Defense or the Deputy Secretary of Defense approval, the subcommittee candidates are required to complete the same necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics as for advisory committee members.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a one-to-four year term of service; however, subcommittee members may only serve two consecutive terms of service unless otherwise authorized by the Secretary of Defense or the Deputy Secretary of Defense.

7. Other: As nominees are considered for the appointment to the Board, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011), and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: June 6, 2014